

LATHAM & WATKINS LLP
 Mark A. Flagel (State Bar No. 110635)
 Bob Steinberg (State Bar No. 126407)
 Franklin D. Kang (State Bar No. 192314)
 355 South Grand Avenue
 Los Angeles, California 90071-1560
 Telephone: (213) 485-1234
 Facsimile: (213) 891-8763

FINNEGAN, HENDERSON, FARABOW,
 GARRETT & DUNNER, L.L.P.
 Scott R. Mosko (State Bar No. 106070)
 Stanford Research Park
 3300 Hillview Avenue
 Palo Alto, California 94304-1203
 Telephone: (650) 849-6600
 Facsimile: (650) 849-6666

LATHAM & WATKINS LLP
 Dean G. Dunlavey (State Bar No. 115530)
 650 Town Center Drive, 20th Floor
 Costa Mesa, California 92626-1925
 Telephone: (714) 755-8260
 Facsimile: (714) 755-8290

Attorneys for Plaintiff MONOLITHIC
 POWER SYSTEMS, INC. and
 Counterclaim Defendants ASUSTEK
 COMPUTER INC. and ASUS
 COMPUTER INTERNATIONAL

Attorneys for Plaintiff
 MONOLITHIC POWER SYSTEMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MONOLITHIC POWER SYSTEMS, INC.,

 Plaintiff,

 v.

 O2 MICRO INTERNATIONAL LIMITED,

 Defendant.

Case No. C 08-4567 CW (EDL)

**STIPULATION AND ORDER ALLOWING
 FINAL INFRINGEMENT AND INVALIDITY
 CONTENTIONS - AS MODIFIED**

JUDGE: Honorable Claudia Wilken

O2 MICRO INTERNATIONAL LIMITED,

 Counterclaimant,

 v.

 MONOLITHIC POWER SYSTEMS, INC.,
 ASUSTEK COMPUTER INC., ASUSTEK
 COMPUTER INTERNATIONAL
 AMERICA, BENQ CORPORATION,
 and BENQ AMERICA CORP.,

 Counterclaim-Defendants.

1 WHEREAS, Defendant and Counterclaimant O2 Micro International Limited (“O2 Micro”)
2 asserts it has good cause to serve “Final Infringement Contentions” as a result of the Court’s Claim
3 Construction Order (Docket No. 285); and

4 WHEREAS, Plaintiff and Counterclaim Defendant Monolithic Power Systems, Inc.
5 (“MPS”) and Counterclaim Defendants ASUSTeK Computer Inc. and Asus Computer International
6 (collectively “ASUS”) will not dispute O2 Micro’s assertion, but assert their right to serve Final
7 Invalidity Contentions in light of the Court’s Claim Construction Order and O2 Micro’s “Final
8 Infringement Contentions”; and

9 WHEREAS, O2 Micro submitted its proposed “Final Infringement Contentions” to the Court
10 as part of its March 25, 2010 “Motion to Serve Final Infringement Contentions”; and

11 WHEREAS, O2 Micro has confirmed that it is not pursuing a theory of infringement based
12 upon the Doctrine of Equivalents as to any patent claim or any accused product; and

13 WHEREAS, MPS and ASUS intend to serve their “Final Invalidity Contentions” within
14 twenty-one (21) days from the date the Court approves this stipulation; and

15 WHEREAS, MPS and ASUS do not intend to assert new prior art, *i.e.*, prior art that has not
16 previously been identified by way of their preliminary invalidity contentions, in expert reports, at
17 depositions, and/or during the course of the ITC proceeding, as part of their “Final Invalidity
18 Contentions”; and

19 WHEREAS, the parties will not seek to reopen discovery as a result of their respective Final
20 Contentions.

21 IT IS STIPULATED that:

- 22 (1) The Final Infringement Contentions that O2 Micro submitted to the Court on
23 March 25, 2010 shall be deemed its final infringement contentions;
24 (2) MPS and ASUS shall serve their Final Invalidity Contentions within twenty-
25 one (21) days of the date this Court approves this stipulation; and
26 (3) These Final Contentions shall not be a reason for any party to ask that
27 discovery be reopened.

28 / / /

HOWEVER, nothing in this Stipulation constitutes an admission that a document, testimony, or other evidence is admissible. By entering into this Stipulation, the parties are not waiving any evidentiary objections they may have.

Respectfully submitted,

Dated: April 7, 2010

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: /s/ Scott R. Mosko
Scott R. Mosko

**Attorneys for Plaintiff MONOLITHIC POWER
SYSTEMS, INC. and Counterclaim Defendants
ASUSTEK COMPUTER INC. and ASUS
COMPUTER INTERNATIONAL**

Dated: April 7, 2010

LATHAM & WATKINS LLP

By: /s/ Dean G. Dunlavy
Dean G. Dunlavy

Attorneys for Plaintiff and Counterclaim Defendant
MONOLITHIC POWER SYSTEMS, INC.

Dated: April 7, 2010

HOWREY LLP

By: /s/ Duane Mathiowetz
Duane Mathiowetz

Attorneys for Defendant and Counterclaimant
O2 MICRO INTERNATIONAL LIMITED

/ / /

/ / /

/ / /

/ / /

FILER'S ATTESTATION

I, Scott R. Mosko, am the ECF user whose identification and password are being used to file this Stipulation and [Proposed] Order Allowing Final Infringement and Invalidity Contentions. Pursuant to General Order No. 45, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Dean G. Dunlavey and Duane Mathiowetz.

Dated: April 7, 2010

/s/ Scott R. Mosko
Scott R. Mosko

ORDER

IT IS SO ORDERED. **PLAINTIFF'S MOTION TO STRIKE (DOCKET #286) IS
DENIED AS MOOT.**

Dated: 4/13/2010

A handwritten signature in blue ink, appearing to read 'Claudia Wilken', is written over a horizontal line.

Claudia Wilken
United States District Judge